

September 5, 2023, Council Meeting  
Minutes

The regular meeting of the Clarion Borough Council was held on September 5, 2023, in the Assembly Room of the Clarion Free Library. President Lapinto called the meeting to order at 7:00 p.m. Everyone recited the Pledge of Allegiance. Councilmembers present were Ms. Roberts, Dr. Sanders Dédé, Mr. Aaron, Mr. Montana, Ms. Schmader, and President Lapinto. Mr. Garbarino was absent. Mr. Colosimo, Mr. Preston, Mr. Sharrar, Mayor Fulmer Vinson, Chief Peck, Solicitor Marshall, and Chief Administrative Officer/Borough Secretary LaVan-Preston were also present.

On a motion by Ms. Roberts with a second Mr. Aaron, approving the minutes of the August 2, 2023, Council Meeting, was carried with a vote of six yea.

On a motion by Ms. Roberts with a second by Mr. Aaron to approve the minutes of the August 15, 2023, Council Meeting. The motion carried with a vote of six yea.

Mayor Fulmer Vinson proclaimed the month of September 2023 as Clarion County Community Bank FoodStock Month and encouraged everybody in the Clarion Area to join in collecting food items to support the families of Clarion County who are in need. The proclamation will be delivered to the Clarion Area Chamber of Business & Industry.

Mayor Fulmer Vinson presented a proclamation to Nancy Keen, representing Daughters of the American Revolution, proclaiming the week of September 17-23, 2023, as Constitution Week, and urged all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities.

CITIZEN COMMENTS: Agenda Items Only

Mayor Fulmer Vinson introduced the new Library Director, Rebecca Aharrah, and asked if she had any comments.

Ms. Aharrah thanked everyone for inviting her to the meeting and stated she was hired to be the director in June. Being here almost three months, Ms. Aharrah looks forward to working with everyone and is very excited to be a part of the community and getting to know everybody who lives here, works here, and just being a part of the community.

Mayor Fulmer Vinson added Ms. Aharrah jumped in with both feet and is very determined.

President Lapinto welcomed Ms. Aharrah and asked if the Library reception will still be held since this will be her first Autumn Leaf Festival.

Ms. Aharrah reported the reception will be held September 29<sup>th</sup> and it's in the planning stages right now. Invitations will be mailed shortly, and the proceeds will support the library. Ms. Aharrah noted this will be her very first ALF and is interested to see what it's all about.

President Lapinto called on Mr. Evan Faller, who asked to be placed on the agenda.

Mr. Faller thanked everyone for allowing them to be placed on the agenda. The Fallers' took over the Comet Plaza property last year and moved in the building in January. Mr. Faller, along with his father Greg, and Mr. Colosimo have been watching a couple sinkholes along the storm water line that goes through the property; it's a 48" line that transitions to 52". A couple of them are fairly small, roughly 18" in diameter. Mr. Faller pointed out though that the one that has recently opened up is a section of pipe that is 52" and was not done in the project. Mr. Faller apologized for not printing out a picture but showed everyone a picture of it on his phone. In working with Mr. Colosimo, the Fallers want to be proactive and are concerned with the liability it could pose to the community due to how large and how much water flows through this line. Mr. Faller asked if anyone had any questions and mentioned Mr. Colosimo and an EADS engineer have been looking at it and been in the pipe.

Mr. Colosimo stated this sinkhole is below the 2019 project by a few yards. It is old corrugated metal pipe that is 52" and flows to Trout Run. Mr. Colosimo added this repair would be significantly expensive.

President Lapinto turned this over to Mr. Aaron, as Chair of Public Works.

Mr. Aaron understands the Borough did a project and repaired around one of the sinkholes. However, this one is beyond the project area, and it's been the opinion that it is the public works of Clarion Township. However, Mr. Aaron realizes the Fallers have discussed it with Clarion Township and that was kicked back.

Mr. Faller provided a copy of an easement to the Borough to complete the top section of the parking lot where the original project was completed to Solicitor Marshall. Technically, both of these areas are in the township. Considering the Borough already took the top section, Mr. Faller thinks it seems to suggest it may be the Borough's.

Meeting with Mr. Colosimo and Mr. Faller's father at the location, Mr. Montana voiced concern that when PennDOT elevates Trout Run and the bridge it may change everything below. If the Borough decides to do anything in this area, Mr. Montana suggested it be done after PennDOT finishes their project. If something is done now, PennDOT may deem it needs to be redone.

Mr. Faller commented the Fallers had to give up a certain amount of property from the front of the driveway and the sign needs to be moved from PennDOT. The blue house is also going to be removed. However, Mr. Faller hasn't seen the final plans. There's a lot that is going to go on down there. The couple little sinkholes are going to be watched; however, the size of the he is addressing raised alarm bells for the Fallers, especially with the amount of water that flows through there. If it does end up totally caving in, it could create a substantial water problem upstream.

President Lapinto thinks the question to ask is why did Clarion Township feel that it's a Clarion Borough project?

Mr. Faller can't speak for Clarion Township.

Mr. Aaron stated Clarion Township doesn't want to deal with it, is why. Mr. Aaron reported the first thing that has to be figured out is the ownership of it and liability. Clarion Borough can hardly go down the road of spending money without due diligence. The Authority Board already worked on a storm water issue out of the Borough.

In discussion with Mr. Colosimo, Mr. Faller understands the substantial amount water that flows through this line is from the Borough and perhaps that's Clarion Township's argument. The Fallers' just wanted to bring this up to the Borough sooner than later.

Dr. Sanders Dédé agrees with Mr. Montana and thinks there needs to be a conversation between PennDOT, the township, and the Borough to see what is going to happen, how it's going to happen, and what impact it will have on the process. It would be a worthy conversation to have.

President Lapinto thanked Mr. Faller for his comments.

Mr. Faller appreciated the time and stated that would be great to have some plan rather than have it collapsing and then someone having to do something in an emergency scenario. Fortunately, the location is not in the path of traffic; it's more along the edge. The Fallers have been lucky as the one that was impacting traffic is the one right off the inlet, which the Borough was able to fill and continues to watch.

Mr. Colosimo stressed there is a bigger sense of urgency for this problem than what the Borough had with the sinkhole that was filled and is still being watched. It is under control. Mr. Colosimo doesn't feel this one Mr. Faller is discussing will stop, which is also the engineer's opinion as well.

President Lapinto commented the Borough will take it under advisement.

#### ADMINISTRATION

On a motion by Mr. Aaron with a second by Ms. Schmader, approving the appropriations for the month of September, carried with a vote of six yeas.

President Lapinto commented the Treasurer's Report of Fund Totals and Budget Analysis are for informational purposes only.

President Lapinto announced the second Council Meeting will be held September 19, 2023, at 7 p.m. at the Clarion Free Library, if necessary.

President Lapinto stated next are the annual September resolutions.

On a motion by Ms. Roberts with a second by Mr. Aaron to approve Resolution #2023-477, a resolution reducing the police pension contributions from 5% to 0% for the year 2024.

President Lapinto asked Ms. Schmader and Mr. Montana if an explanation is necessary?

Mr. Montana understands from reading it that is the contributions that the employees make to the pension plan next year will be reduced.

President Lapinto agreed and stated it is currently zero, but Council has to approve it each year.

The motion carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Ms. Roberts to approve the Minimum Municipal Obligation for the Clarion Borough Police Pension Plan for 2024 in the amount of \$47,823.

President Lapinto informed the new members this money comes from the state foreign insurance. Chief Administrative Officer/Borough Secretary LaVan-Preston has to certify all the employees once a year. Based on that formula, the State puts in an amount, which is 2 units for each police officer and 1 unit for each maintenance and office personnel.

Chief Administrative Officer/Borough Secretary LaVan-Preston added the Borough receives a check in October of each year from the State for state aid to be used towards the minimum municipal obligation for each plan. If there is a shortfall, the Borough makes that up. These ones are being approved for 2024. Mockenhaupt, which is the Borough's actuary, comes up with the minimum municipal obligation needed and whether contributions can be reduced or not.

The motion carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Ms. Roberts to approve Resolution #2023-478, a resolution reducing the general employees' pension contributions from 5% to 2.5% for the year 2024. The motion carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Ms. Schmader, approving the Minimum Municipal Obligation for the Clarion Borough General Employees' Pension Plan for 2024 in the amount of \$76,066, was carried with a vote of six yea.

President Lapinto reported the next resolution is related to a grant that the Public Works Department found out about. It will authorize the proper officials to execute the paperwork to be submitted with the application to seek funds for an excavator with attachments and a roller. President Lapinto asked Mr. Preston for additional comments.

Mr. Preston stated the Borough will not have to put any money towards the equipment if the grant is awarded. The funds come from the gaming money from the State.

Chief Administrative Officer/Borough Secretary LaVan-Preston thinks the Borough will submit this grant and find out by next year if it is awarded or not. It is worth a shot.

On a motion by Mr. Aaron with a second by Ms. Schmader to approve Resolution #2023-479, a resolution authorizing Borough officials to execute all documents and agreements between the Borough and the Commonwealth Financing Authority to facilitate and assist to obtain a request for

a Statewide Local Share Assessment Grant in the amount of \$156,257.88 to be used for the purchase of an excavator with attachments and a roller. The motion carried with a vote of six yea.

On a motion by Ms. Roberts with a second by Ms. Schmader, approving the purchase of a new sign from Vinyl Graphics Unlimited in the amount of \$2,530, was carried with a vote of six yea.

#### EMERGENCY MEDICAL SERVICES AUTHORITY COMMITTEE

Mr. Montana wishes he had something to report, but, unfortunately, does not at this time.

#### BLUEPRINT COMMITTEE REPORT

Dr. Sanders Dédé had nothing to report.

#### DESTINATION CLARION DOWNTOWN REPORT

President Lapinto stated Jim Crooks was not present so there was no report.

#### PUBLIC WORKS REPORT

Mr. Aaron reported the Committee met with EADS to start removing items from the Second Avenue Project to get closer to the \$1.5 million number the Borough was thinking about. Mr. Colosimo, the EADS engineer, and he visited the site to do an assessment of what sidewalks would be kept and which could go. With additional eliminations, it is close to that figure.

Mr. Colosimo agreed Council's really close to \$1.5-1.6 million with the cuts.

On a motion by Mr. Aaron with a second by Ms. Roberts to approve to authorize the submission of the final Clarion Borough TA Set-Aside/Safe Routes to School Application to the Pennsylvania Department of Transportation by or on September 15, 2023 with all the cuts proposed. The motion carried with a vote of six yea.

#### STORM WATER AUTHORITY

Mr. Aaron announced the next Authority Board Meeting will be held Thursday, September 14, 2023, at 6 p.m. in the Assembly Room of the Clarion Free Library.

#### PUBLIC SAFETY

Dr. Sanders Dédé asked Chief Peck for any comments?

Relating to the recent fire at Valero, Chief Peck again shouted out to the fire department, because within minutes the fire was out and under control. Chief Peck arrived just before the firemen and had grave concerns that something really bad could occur or possibly an explosion. The fireman did a heck of a job again.

President Lapinto and Dr. Sanders Dédé thanked the fire department again.

#### LIBRARY REPORT

Mayor Fulmer Vinson had nothing to report and deferred to Ms. Aharrah?

Ms. Aharrah commented the Friends of the Library have agreed to pay for the repair of the front steps. The final estimate is being sought at this time and will be forwarded to them. Hopefully, the steps will be repaired soon.

President Lapinto asked if the Library will have its book sale during Autumn Leaf Festival, noting she always volunteers to help that day and enjoys it.

Ms. Aharrah thanked President Lapinto for bringing this up and stated it will be held.

#### HOUSING AND ZONING REPORT

On a motion by Ms. Schmader with a second by Dr. Sanders Dédé, appointing Rich Herron, 1301 Robinwood Drive, to complete the vacant term on the Clarion Borough Planning Commission with the term to expire December 31, 2026, was carried unanimously.

Ms. Schmader asked for an update on the ordinance for intergovernmental cooperation between Clarion Borough and Clarion Township to utilize the Clarion Borough's UCC Board of Appeals.

Solicitor Marshall researched this and it cannot be done. There was a case decided by the Commonwealth Court in 2012 that states that the statute can't be interpreted that way. You either have to have a joint board and joint enforcement or one municipality has to turn over all the enforcement to another. So, in this instance, Clarion Township can't just use the Borough's board.

President Lapinto stated Clarion Township would have to form their own?

Solicitor Marshall agreed the township could do that.

President Lapinto understands the township adopted an ordinance but never appointed a Board.

Mr. Sharrar stated that is exactly what happened.

Since Council gave permission last month for the Solicitor to prepare an ordinance, Chief Administrative Officer/Borough Secretary LaVan-Preston asked if anything has to be done to undo the motion?

Solicitor Marshall stated no. It wasn't prepared or advertised, because it couldn't be done.

Chief Administrative Officer/Borough Secretary LaVan-Preston relayed this information to the Township Secretary that the Township will have to come up with a Board of Appeals.

On a motion by Ms. Schmader with a second by Mr. Aaron to approve the request from PennWest University for an extension to block the sidewalk on Wilson Avenue for an additional 8 weeks but deny the request of waiving the fee of \$25/week for the extra time.

Mr. Sharrar informed Council the University had a break in a steam line, and it will take an additional 8 weeks for the parts to come in to repair it. Those sidewalks are going to be continually closed.

Chief Administrative Officer/Borough Secretary LaVan-Preston reminded everyone that anyone wishing to close a sidewalk beyond 14 days has to get approval from Borough Council.

President Lapinto asked if there is any discussion on waiving the fee?

Hearing none, the motion carried with a vote of six yea.

Ms. Schmader announced Clarion Borough will receive \$3,497.94 for the 904 Performance Recycling Grant for the year 2021.

#### RECREATION REPORT

On a motion by Ms. Roberts with a second by Mr. Aaron, approving Meley Engineering Corporation's proposal and agreement to provide engineering and consulting costs for engineered drawings for the picnic pavilion at Paul A. Weaver Community Park up to the amount of \$1,200. The motion carried with a vote of six yea.

On a motion by Ms. Roberts with a second by Mr. Aaron, giving permission to request bids for demolition and construction of picnic pavilion as engineered drawings indicates for Paul A. Weaver Community Park, was carried with a vote of six yea.

#### SECRETARY'S REPORT

Chief Administrative Officer/Borough Secretary LaVan-Preston received a list of all the items that Zelenkofske Axelrod wishes to test for the 2022 Audit. The auditors will be at the Borough Office on September 13, 2023, to review the papers for the Borough and also for the Clarion Borough Stormwater Authority. It should only take a day; but, if needed, the auditors will come up another day. The audit should be completed by the end of September.

Chief Administrative Officer/Borough Secretary LaVan-Preston announced that Burns and Burns contacted her with the good news that the Borough's grandfathered Highmark health plan increase will be 4.7%, which is only a .2% increase from last year. Burns and Burns also relayed that UPMC plan increases were ranging from 14-15%. Chief Administrative Officer/Borough Secretary LaVan-Preston asked that rate be locked in. This will be effective December 1, 2023.

#### MAYOR'S REPORT

Mayor Fulmer Vinson had nothing further to report.

#### OLD BUSINESS

There was none.

#### NEW BUSINESS

There was none.

#### CITIZEN COMMENTS: NON-AGENDA ITEMS

Backing up to the 2<sup>nd</sup> Avenue Project, Mr. Colosimo asked for clarification if all the series of

reductions in the project that were distributed to everyone tonight are to be incorporated into the final application?

Chief Administrative Officer/Borough Secretary LaVan-Preston asked Mr. Aaron if his motion included those to be incorporated with the final plan?

Mr. Aaron agreed the cuts were to be included to reduce the amount of the grant to \$1.5-1.7 million.

Mr. Colosimo will advise Delta and the engineers to work on those then.

In the first meeting, Mr. Phil Kiser stated the residents were promised to be involved in this process. Nobody talked to him when they came around looking at the properties. Mr. Kiser asked where Council is going with all of this?

Mr. Aaron reported the Borough will not leave the right-of-way area, meaning Mr. Kiser will not have to move his fence. That property will be undisturbed. A 5' sidewalk will be constructed in the right-of-way outside of the Kisers' fence area.

Chief Administrative Officer/Borough Secretary LaVan-Preston added and part of the driveway.

President Lapinto stated Mr. Kiser did not miss any meeting. It was just a matter of working with the engineers and Public Works Committee to go over everything. Mr. Montana, Mr. Colosimo, and Mr. Aaron spent a lot of time going over the plans and looking at the areas.

Mr. Montana suggested the portion relating to Mr. Kiser and Mr. Bean could be read so each know what is occurring.

Mr. Kiser parks his vehicles right on the driveway, which meets the road.

Whether there is a sidewalk or not, Mr. Aaron commented parking in the right-of-way is actually against the ordinance.

Mr. Kiser stated since he's not complying to expect a ticket tomorrow?

Mr. Aaron isn't saying that.

As far as Mr. Kiser's property, Mr. Montana read the following: 'If the cemetery portion of the project is removed, it will be necessary to extend new sidewalk through the Borough right-of-way to reach George Road; not doing so will leave a gap in the route to the park. The good news is, from an engineering standpoint, that this sidewalk can be installed in the right-of-way without having to disturb the existing fence or shed on the property. As a side note, this sidewalk may interfere with the current parking pattern on the property.' Mr. Montana offered the only thing Mr. Kiser may have to do is pull the vehicle in a little further.

Mr. Kiser stated it is pulled up as far as it can go.



Mr. Kiser pointed out Council can probably find 100 people in town that park on rights-of-way currently, and added no offense, but Council's going to pick on him?

Mr. Aaron stated nobody is picking on Mr. Kiser, but pointed out that 'that's where I park' isn't exactly a good excuse for not running a sidewalk there. It is what it is, and people do park like that all over town.

Moving onto Mr. Bean's, Mr. Montana read the following: 'The concern here is the project encroachment upon Mr. Bean's front yard, and all of the front yards on the west/north side of Second Avenue from Madison to Liberty. A possible solution is to eliminate all project components in this area (west/north side of Second Avenue from Madison to Liberty). Doing so would have a minimal effect upon the project and save approximately \$61,000 in construction costs. If this action is approved, further thought as to existing on-street parking in this area is warranted to address congestion during school days.'

Mr. Aaron expanded on that one that it was never the intent to go to the inside of the right-of-way and build out. There's room for a sidewalk there, but it doesn't make sense to put it in there as there is no access to that side of Second Avenue from Liberty Street. Actually what would make sense, if it would fit in the budget, would be to actually widen that section of street and alleviate some congestion there, because that curb is set in from all the rest of Second Avenue for the entire length of the project.

President Lapinto asked Mr. Aaron to go over the other items eliminated.

Mr. Aaron announced the other items eliminated are the prefab bus shelter at a cost of \$50,000, benches and trash receptacles at a cost of \$6,000-9,000, both deemed unnecessary; the cemetery was completely eliminated; the Kiser and Bean properties were already discussed; and the Ice-O property is already blacktopped and lines can be painted to create a sidewalk area. An easement could be sought to install a sidewalk in off the blacktop, but Mr. Aaron does not support that.

#### CORRESPONDENCE

There was none.

On a motion by Mr. Montana with a second by Ms. Schmader, the meeting was adjourned at 7:36 p.m.

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Linda LaVan-Preston, Chief Administrative Officer/Borough Secretary